

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW
YORK

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BRICKLAYERS INSURANCE AND
WELFARE FUND, BRICKLAYERS
PENSION FUND, BRICKLAYERS
SUPPLEMENTAL ANNUITY FUND,
BRICKLAYERS AND TROWEL
TRADES INTERNATIONAL
PENSION FUND, NEW YORK CITY
AND LONG ISLAND JOINT
APPRENTICESHIP AND TRAINING
FUND, INTERNATIONAL
MASONRY INSTITUTE, and
JEREMIAH SULLIVAN, JR., in his
fiduciary capacity as Administrator,
BRICKLAYERS LOCAL 1,
INTERNATIONAL UNION OF
BRICKLAYERS AND ALLIED
CRAFT WORKERS,

AMENDED ORDER
12-CV-2314 (FB) (RLM)

Plaintiffs,

-against-

KENNETH LASALA, MARK
LASALA, KENNETH LASALA, JR.,
LIBERTY MUTUAL INSURANCE
COMPANY and PLAZA
CONSTRUCTION COMPANY,

Defendants.

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BLOCK, Senior District Judge:

On September 30, 2021, the Court entered an order to enforce its judgment of

September 17, 2015. As set forth below, the order has been complied with in part.

1. The Court ordered defendants Kenneth LaSala, Sr., and Mark LaSala (“Defendants”) to deposit \$282,289.42 into the Court registry by October 22, 2021. They have deposited \$200,000. Although they represent that they were unable to deposit the full amount “in the short time [three weeks] provided by the Court,” Letter from Laurence J. Lebowitz (Oct. 21, 2021), at 1, they have not made any further deposits in the ensuing two weeks.

2. The Court ordered Defendants to disclose to Plaintiffs the amount of their distributions from MH Partners, LLC (“MHP”), in July 2021. In response, Plaintiffs represent that those distributions totaled \$133,473.80.

3. The Court ordered MHP to show cause why it should not be held in contempt for noncompliance with the Court’s order of March 6, 2018, directing it to pay distributions to Plaintiffs. MHP has not responded.

4. The Court ordered Plaintiffs and the Internal Revenue Service (“IRS”) to disclose the claimed amount of their respective liens against Defendants. In response, Plaintiffs claim a lien of \$316,114.68; they also claim attorneys’ fees of \$198,222.90 and costs of \$16,716.57, but those amounts have not been reduced to judgment. The IRS claims a lien of \$861,122.90 against Mark LaSala and a (disputed) lien of \$1,618,734.76 against Kenneth LaSala, Sr.

5. Finally, the Court ordered MHP to deposit 34% of any future

distributions into the Court registry. Although MHP has not responded, Defendants have represented that they will pay future distributions into the Court registry within three days of receipt, and that they understand the consequences of failing to do so.

ACCORDINGLY:

1. The Court finds Kenneth LaSala, Sr., and Mark LaSala in contempt of its order of September 30, 2021, and directs the Marshal to take them into custody until their contempt is purged. This aspect of the Court's order is suspended until December 3, 2021, and shall be vacated upon payment of \$215,763.22 (\$82,289.42 plus \$133,473.80) into the Court registry.

2. The Court finds MHP in contempt of its orders of March 6, 2018, and September 30, 2021, for its continued refusal to turn over distributions to Plaintiffs and/or deposit them into the Court registry. As a sanction therefor, the Court directs the Clerk to enter a money judgment against MHP and in favor of Plaintiffs in the amount of \$316,114.68. In addition to collections from MHP directly, such judgment shall be satisfied *pro tanto* by any amounts received by Plaintiffs from the Court registry.

3. Any further matters in this case—including, without limitation, distribution of funds in the Court registry, future deposits into the Court registry, and assessment of attorneys' fees and costs—are referred to Magistrate Judge Mann for appropriate orders and/or reports and recommendations.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
November 10, 2021